IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 19878 OF 2003

DATE OF DECISION: November 09, 2006

Parties Name

The Jai Durga Co-Op. Transport Society Ltd., Dabwali

..PETITIONER

VERSUS

State Transport Appellate Tribunal, Haryana and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE PRITAM PAL

PRESENT: Mr. P.S. Bawa,
Advocate, for the petitioner.

Mr. S.S. Patter, D.A.G., Haryana;

JASBIR SINGH, J. (oral)

Order.

Petitioner, who is an existing stage carriage permit holder, moved an application for the extension/diversion of its route. That application was dismissed by the competent authority vide order dated August 3, 2001 (Annexure P-1). Petitioner went in appeal, which was also dismissed vide order dated September 6, 2003 (Annexure P-2). The appellate authority, after discussing merits of the case, has observed thus:

> "But this argument of learned counsel for the appellants is without any merit. A perusal of the relevant map of routes No. 32 and 66 shows that Hassu village falls on these routes from Dabwali to Kalanwali and back. The appellant – societies wanted a deletion of seven kilometers portion in their original routes and addition of a new route via Punjab covering a

distance of 24 kms. Hassu village is situated on the portion of seven kilometers which was sought to be deleted. So, the diversion of route was certainly going to cause inconvenience to the residents of village Hassu and as such the diversion was not in the interest of residents of that village. Though the Secretary, R.T.A., reported to the Transport Commissioner that the residents of village Hassu had withdrawn their earlier request made by them through their application dated 07.06.1999 but the correct position was something different. All the members panchayat alongwith some other residents of village Hassu did appear before the Transport Commissioner when he heard arguments on the applications of the appellants for diversion of their routes and pleaded that if the appellant – societies are allowed diversion, the travelling public of their village will be deprived of the direct bus service. The members panchayat and residents of the village also stated before the Transport Commissioner that though six co-operative societies were operating buses on the route but if the two societies are allowed diversion, the remaining four societies will also demand for the same diversion and in that case the travelling public of village Hassu will have no bus service.

5A) The paramount consideration for variation in conditions of permit is the convenience of the public as provided in Section 72 Sub-Section (xxii) of the Act, As the diversion of routes No. 32 and 66 by deleting a portion of seven kilometers from the original route is not at all in the public interest and that will deprive the residents of village Hassu of the bus service, the

applications of the appellant – societies for extension/ diversion in their original routes were(in) rightly rejected by learned Transport Commissioner and as such there is no reason to interfere with the same."

This Court is of the view that the opinion expressed above is perfectly justified. It has been noted as a matter of fact that if diversion of the route is allowed, the public of the villages, through which route, the petitioner is now plying its bus, will suffer. Nothing has been shown to the contrary. No case is made out for interference. Dismissed.

(Jasbir Singh)
Judge

(Pritam Pal)
Judge

November 09, 2006.
DKC